

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RECLAIM THE RECORDS, *et al.*,

Plaintiffs,

-v-

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES,

Defendant.

21 Civ. 6397 (MKV)

**STIPULATION AND ORDER OF
SETTLEMENT AND DISMISSAL**

WHEREAS, on or about July 27, 2021, Plaintiffs Reclaim the Records and Alec Ferretti (“Plaintiffs”) filed this suit pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking the release of certain records by defendant United States Citizenship and Immigration Services (“USCIS” or “Defendant”) in connection with seven FOIA requests filed on or about October 20, 2020 (“FOIA Requests”);

WHEREAS, after Plaintiffs filed this action, Defendant produced records to Plaintiffs responding to the FOIA Requests;

WHEREAS, by letter dated February 15, 2022, the parties informed the Court that the only remaining issue in this case was Plaintiffs’ request for attorney’s fees;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

1. This action is hereby dismissed with prejudice, and without costs or fees other than as provided in Paragraph 2 of this Stipulation and Order, provided that the Court shall retain jurisdiction for the purpose of enforcing this Stipulation and Order.

2. After the Court has approved and docketed this Stipulation and Order, within a reasonable period of time, Defendant shall pay to Plaintiffs the sum of \$12,000 (TWELVE

THOUSAND DOLLARS) in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum Plaintiffs agree to accept as full payment of any attorneys' fees and costs Plaintiffs have incurred or will incur in this action. Counsel for Plaintiffs will provide the necessary information to Defendant to effectuate payment.

3. This Stipulation and Order does not constitute, and shall not be construed as, an admission by Defendant or any other agency or component of the United States that Plaintiffs are either eligible or entitled to recover attorneys' fees or costs in connection with this matter.

4. This Stipulation shall constitute full and final satisfaction and release of any and all claims arising from the allegations set forth in the Complaint filed in this action and any litigation or administrative proceeding that Plaintiff has brought, could bring, or could have brought regarding Plaintiff's requests for information in this case.

5. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

6. Any obligation of the Government to expend funds under this Stipulation and Order is subject to the availability of appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341. This Stipulation and Order shall not be construed to require the Government to obligate or pay funds in contravention of the Anti-Deficiency Act.

7. Facsimile or pdf signatures shall have the same force and effect as original signatures on this Stipulation and Order.

Dated: April 6, 2022
New York, New York

DAMIAN WILLIAMS
United States Attorney for the Southern
District of New York

/s/ Alexander J. Hogan

By: ALEXANDER J. HOGAN
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2799
Fax: (212) 637-2686
Email: alexander.hogan@usdoj.gov

Counsel for Defendant

Dated: April 6, 2022
New York, New York

/s/ David B. Rankin

David B. Rankin, Esq.
Bedlock, Levine & Hoffman, LLP
99 Park Avenue, PH/26th Floor
New York, NY 10016
Tel.: 212-277-5825
Email: DRankin@blhny.com

Counsel for Plaintiffs

SO ORDERED:

HON. MARY KAY VYSKOCIL
UNITED STATES DISTRICT JUDGE